

Exhibit A

(Declaration of Olivia Lauren Weber in Support of Defendants' Motion to Extend Defendants' Deadlines to Respond to the First Amended Complaint and Set a Briefing Schedule)

Weber, Olivia

From: Herriot, Liv <Liv.Herriot@wilmerhale.com>
Sent: Friday, August 7, 2020 10:30 AM
To: Weber, Olivia
Cc: Chu, Morgan; Ashley, Matt; Harbour, Michael; ~Baxter, Samuel; Jason Cassady; Foster, James J.; Seidl, Christopher A.; dan@shulmanbuske.com; Eyler, Dean C.; John Briody; Harting, John K.; Major, Amanda; Syrett, Timothy D.; Selwyn, Mark; Mueller, Joseph
Subject: RE: Intel et al. v. Fortress et al.

Olivia –

Despite the fact that Judge Chen only gave Plaintiffs four weeks to amend their complaint, Plaintiffs are willing to agree to giving Defendants five weeks to respond – i.e. an extension of three weeks – if Defendants agree that Plaintiffs would likewise get a three-week extension of time to respond to any motion filed by Defendants.

Thank you,
Liv

From: Weber, Olivia <oweber@irell.com>
Sent: Thursday, August 6, 2020 4:41 PM
To: Herriot, Liv <Liv.Herriot@wilmerhale.com>
Cc: Chu, Morgan <MChu@irell.com>; Ashley, Matt <MAshley@irell.com>; Harbour, Michael <MHarbour@irell.com>; sbaxter@mckoolsmith.com; Jason Cassady <jcassady@caldwellcc.com>; Foster, James J. <jfoster@princelobel.com>; Seidl, Christopher A. <CSeidl@robinskaplan.com>; dan@shulmanbuske.com; Eyler, Dean C. <dean.eyler@lathropgpm.com>; John Briody <jbriody@mckoolsmith.com>; Harting, John K. <JHarting@robinskaplan.com>; Major, Amanda <Amanda.Major@wilmerhale.com>; Syrett, Timothy D. <Timothy.Syrett@wilmerhale.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>
Subject: RE: Intel et al. v. Fortress et al.

EXTERNAL SENDER

Hi Liv,

Plaintiffs had roughly six-and-a-half weeks to work on an amended complaint in light of the Court's comments at the hearing. And given that the size of the amended complaint has more than doubled, plus the fact that Defendants are coordinating their responses amongst seven separately-represented parties in an effort to avoid duplication and redundancy for the Court, four weeks is not enough time to respond. As noted, this coordination takes a great deal of time and effort, and a fully unredacted copy of the amended complaint has not even been provided to Defendants yet. Moreover there is no harm to anyone from the additional time that Defendants have requested.

Indeed, the briefing schedule last time allowed ten weeks for Defendants to respond to the complaint, even though the complaint was less than half the size of the amended complaint. Nevertheless, in an effort to compromise and avoid Court involvement, Defendants are willing to stipulate to just seven weeks total to respond to the much larger amended complaint (a five week extension).

Please let us know this evening whether Plaintiffs will stipulate to Defendants' proposed compromise. If Plaintiffs will not, Defendants will seek relief from the Court.

With respect to Plaintiffs' attempt to condition service of the unredacted amended complaint on Defendants' agreement that only outside counsel can see the under seal material, Defendants are discussing the request and will respond shortly.

Best,

Olivia

Olivia Weber | Irell & Manella LLP | 949.760.5146 | oweber@irell.com

From: Herriot, Liv <Liv.Herriot@wilmerhale.com>

Sent: Thursday, August 6, 2020 2:37 PM

To: Weber, Olivia <oweber@irell.com>

Cc: Chu, Morgan <MChu@irell.com>; Ashley, Matt <MAshley@irell.com>; Harbour, Michael <MHarbour@irell.com>; ~Baxter, Samuel <sbaxter@mckoolsmith.com>; Jason Cassady <jcassady@caldwellcc.com>; Foster, James J. <jfoster@princelobel.com>; Seidl, Christopher A. <CSeidl@robinskaplan.com>; dan@shulmanbuske.com; Eyler, Dean C. <dean.eyler@lathropgpm.com>; John Briody <jbriody@mckoolsmith.com>; Harting, John K. <JHarting@robinskaplan.com>; Major, Amanda <Amanda.Major@wilmerhale.com>; Syrett, Timothy D. <Timothy.Syrett@wilmerhale.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>

Subject: Re: Intel et al. v. Fortress et al.

Olivia –

Judge Chen gave Plaintiffs four weeks to amend their complaint. Plaintiffs are amenable to agreeing to giving Defendants the same amount of time to respond – i.e. an extension of two weeks such that Defendants' response would be [due September 1](#) – if Defendants agree that Plaintiffs would likewise get a two-week extension of time to respond to any motion filed by Defendants.

Separately, as requested in my August 5, 12:03am PT email, please confirm that counsel for Defendants will consider the under seal version of the Amended Complaint to be designated Attorneys' Eyes Only and that only outside counsel for Defendants will have access to the under seal version of the Amended Complaint. As I noted in that email, once you confirm, we will serve you with an unredacted version of the Amended Complaint.

Thank you,

Liv

On Aug 5, 2020, at 10:18 PM, Weber, Olivia <oweber@irell.com> wrote:

EXTERNAL SENDER

Hi Liv,

I write on behalf of Defendants to request a seven-week extension of the deadline to respond to the first amended complaint (for nine weeks total to respond). Given the breadth and complexity of the FAC, as well as the additional time required to coordinate responses amongst numerous separately-represented Defendants, this extension is both reasonable and necessary. The coordination alone takes significant time to accomplish.

If Defendants respond to the FAC by motion, we are willing to stipulate to an extended briefing schedule wherein Plaintiffs oppose by December 8 and Defendants reply by January 8. This schedule is proportional to the time provided in the local rules. See L.R. 7-3. I've attached a draft stipulation to this effect.

Given Defendants' impending deadline, please let us know by 5:00 p.m. PST tomorrow (Aug. 6) whether Plaintiffs are amenable to this proposal. We would like to avoid burdening the Court with a motion.

Best,

Olivia

Olivia Weber | Irell & Manella LLP | 949.760.5146 | oweber@irell.com

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<Stipulation to Extend Deadlines to Respond to FAC.DOCX>

Weber, Olivia

From: Herriot, Liv <Liv.Herriot@wilmerhale.com>
Sent: Wednesday, August 5, 2020 12:03 AM
To: Weber, Olivia
Cc: Chu, Morgan; Ashley, Matt; mflumenbaum@paulweiss.com; Harbour, Michael; Lipanovich, Nathaniel; ~Baxter, Samuel; 'Jason Cassady'; 'Foster, James J.'; 'Seidl, Christopher A.'; dan@shulmanbuske.com; Eyer, Dean C.; John Briody; Harting, John K.; Major, Amanda; Syrett, Timothy D.; Selwyn, Mark; Mueller, Joseph
Subject: Intel et al. v. Fortress et al., 3:19-cv-07651-EMC - Amended Complaint

Olivia –

Intel and Apple filed their Amended Complaint this evening under seal. As detailed in Intel and Apple's motion to seal and the declaration of Mark Selwyn in support of Intel and Apple's motion to seal, the Amended Complaint contains information that is confidential to Apple, Intel and various third parties. Please confirm that counsel for Defendants will consider the under seal version of the Amended Complaint to be designated Attorneys' Eyes Only and that only outside counsel for Defendants will have access to the under seal version of the Amended Complaint.

Once you confirm, we will serve you with an unredacted version of the Amended Complaint.

Thanks,
Liv

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